IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4497 OF 2005

Rajaram Sadashiv Patil. ... Applicant.

Versus.

State of Maharahstra. ... Respondent.

Shri A.P.Mundargi with Shri Indrajeet Joshi i/by
Shri S.R.Mithare for the Applicant.

Ms.Rajashree Gadhavi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 3rd August, 2005.

P.C.:

1. On the last date the Counsel appearing for the parties were heard. The offence alleged against the Applicant and other co-accused is under sections 489-B and 489-C read with section 34 of the Indian Penal Code. The learned Sessions Judge has rejected the Application for bail made by the Applicant. The allegation of the prosecution is that the Applicant was found in possession of 96 fake currency notes of Rs.500/- denomination. The case of the prosecution is that the Applicant-Accused No.3 acquired currency notes from Accused Nos.5 to 8. When the application for bail was decided by the Sessions Court, the report from the Security Press, Nashik, regarding genuineness of the currency notes was awaited. Now the Report is on record which prima facie shows that the currency notes allegedly found in custody of the Applicant were fake

currency notes.

2. Shri Mundargi, the learned Counsel appearing for the Applicant submitted that on plain reading of the material available against the Applicant at the highest section 489-C can be applied against the applicant which is a bailable offence and section 489-B cannot be applied as there is no material on record to show that the Applicant sold or purchased or received from other person or was otherwise trafficking in or using as genuine counterfeit currency knowing or having reason to believe the same to be forged or counterfeit. He, therefore, submitted that there is no material to attract the provisions of section 489-B and the Applicant is entitled to be enlarged on bail. The learned A.P.P. pointed out that there is material on record to show that the Applicant acquired currency notes from the other Accused and he sold fake currency notes for consideration.

3. I have considered the rival submissions. Apart from the material to show that the Applicant was found in possession of fake currency notes of Rs.500/- denomination, there is other material on record to show that the Applicant acquired the currency notes from the other accused and sold the fake currency notes for consideration. This is not a case where there is absolutely no material for attracting provisions of

section 489-B. The offence is of very serious nature. Fake currency notes of fairly large amount have been found in possession of the Applicant. Considering the gravity of offence and considering the material on record which is available against the Applicant, this is not a case where the Applicant can be enlarged on bail.

The Application is, therefore, rejected.

Judge.